

peel, and blemishes, and that it was not labeled to show that it was substandard.

On December 23, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,075 cases of canned tomatoes, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce by the Westville Canning Co., Westville, Okla., on or about August 12, 1931, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained decayed material and an excessive amount of peel and blemishes, and the labels did not bear a plain and conspicuous statement prescribed by the said Secretary, indicating that it fell below such a standard.

On February 24, 1932, the Griffin Grocery Co., Fort Smith, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the product condemned. It was further ordered by the court that the said product be released to the claimant for relabeling and disposition in accordance with the Federal food and drugs act, under the supervision of this department, upon the filing of a bond in the sum of \$1,500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19572. Adulteration of butter. U. S. v. 19 Boxes, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 27833. I. S. No. 42942. S. No. 5840.)

Samples of butter taken from the interstate shipment involved in this action were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On February 10, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by Red 73 Creamery (Inc.), Union City, Ind., on or about February 3, 1932, to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On February 15, 1932, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19573. Adulteration of celery. U. S. v. 103 Crates, et al., of Celery. Product adjudged adulterated and ordered released under bond to be salvaged.
(F. & D. Nos. 27757, 27758. I. S. Nos. 47501, 47502. S. Nos. 5837, 5838.)

Arsenic having been found on celery taken from both shipments involved in these actions, the Secretary of Agriculture reported the matter to the appropriate United States attorneys.

On February 16, 1932, the United States attorney for the District of Nebraska filed in the United States District Court a libel praying seizure and condemnation of 103 crates of the said celery at Omaha, Nebr., and on or about February 18, 1932, the United States attorney for the Western District of Missouri filed a libel against 80 half-crates of the same product at St. Joseph, Mo. It was alleged in the libels that the article had been shipped in interstate commerce by the Peppers Fruit Co., from Compton, Calif., the former on or about January 8, 1932, to Omaha, Nebr., and the latter on or about

January 20, 1932, to St. Joseph, Mo., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Peppers 3" or "Peppers 3½."

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

The Independent Fruit Co., St. Joseph, Mo., and the Levinson Fruit Co., Omaha, Nebr., appeared as claimants in the respective cases, admitted the allegations of the libels, and consented to the condemnation and forfeiture of the goods. On February 27, 1932, judgment was entered in the Omaha, Nebr., case finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be washed or wiped to remove the poisonous residue, and that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and all other laws. A decree containing similar provisions was entered on February 20, 1932, in the case instituted at St. Joseph, Mo.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19574. Adulteration of bluefins. U. S. v. 7 Boxes of Bluefins. Default decree of destruction entered. (F. & D. Nos. 27767, 27768. I. S. Nos. 47799, 50830. S. Nos. 5866, 5869.)

Bluefins taken from the interstate shipments involved in this action were found to be infested with worms.

On February 20, 1932, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven boxes of bluefins, remaining in the original packages at Covington, Ky., consigned by the Hogstad Fish Co., Duluth, Minn., in part on February 15, 1932, and in part on February 16, 1932, alleging that the article had been transported in interstate commerce from Duluth, Minn., to Covington, Ky., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Hogstad Fish Co., Duluth, Minnesota."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On February 20, 1932, no claimant having appeared for the property and the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering their immediate destruction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19575. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27836. I. S. No. 5380. S. No. 5823.)

Samples of butter taken from the interstate shipment involved in this action were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On February 1, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce by the White City Creamery, Mott, N. Dak., through the Northwest Dairy Forwarding Co., Carlton, Minn., on or about January 23, 1932, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Zenith-Godley Co. (Inc.), New York, N. Y., agent for the White City Creamery Co., Mott, N. Dak., owner of the property, interposed a claim and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On February 5, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be